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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Mark B. Kauffman

Confirmation No.: 2119

Application No.: 09/945,292

Examiner: Anh Ly

Filing Date: 08/31/2001

Group Art Unit: 2162

Title: REPORT GENERATION SYSTEM AND METHOD

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on April 22, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

(X) I hereby certify that this correspondence is being deposited with the United State Postal Service as Express Mail, Label No. EV482708797US in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: June 22, 2005

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Respectfully submitted,

Mark B. Kauffman

By

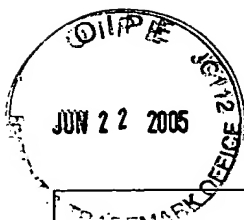
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Docket No.: 10005480-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mark B. Kauffman

Application No.: 09/945,292

Confirmation No.: 2119

Filed: August 31, 2001

Art Unit: 2162

For: REPORT GENERATION SYSTEM AND
METHOD

Examiner: A. Ly

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under 37 C.F.R. § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on April 22, 2005, and is in furtherance of said Notice of Appeal.

The fees required under 37 C.F.R. § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- | | |
|------|---|
| I. | Real Party In Interest |
| II | Related Appeals and Interferences |
| III. | Status of Claims |
| IV. | Status of Amendments |
| V. | Summary of Claimed Subject Matter |
| VI. | Grounds of Rejection to be Reviewed on Appeal |

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VII.	Argument
VIII.	Claims
IX.	Evidence
X.	Related Proceedings
Appendix A	Claims

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Hewlett-Packard Development Company, L.P., a Texas Limited Partnership having its principle place of business in Houston, Texas.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 21 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 0
2. Claims withdrawn from consideration but not canceled: 0
3. Claims pending: 1-21
4. Claims allowed: 0
5. Claims rejected: 1-21

C. Claims On Appeal

The claims on appeal are claims 1-21

IV. STATUS OF AMENDMENTS

Appellant filed a Response After Final Rejection on February 22, 2005. The Appellee replied to the Response After Final Rejection in an Advisory Action mailed March 23, 2005. In the Advisory Action, the Appellee indicated that Appellant's claims 1-21 are not in condition for allowance. The claims enclosed herein as Appendix A incorporate claims 1-21 as originally filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

According to claim 1, the computer-implemented report generation system comprises a first generator (pg. 7, lines 9-10; figure 1A 120, 130, 140), operably linked through a first interface to one or more associated first type components (pg 7, lines 11-12; figure 1A 120, 122A, 122N, 124), which invokes at least one first type component to generate a report element of a first type (pg. 7, lines 12-13; pg. 7, lines 27-29; figure 1A 122A, 122N; figure 1B 172). The system also has a second generator (pg. 7, lines 9-10; figure 1A 120, 130, 140), operably linked through a second interface to one or more associated second type components (pg 7, lines 11-12; figure 1A 130, 132AA, 132NN, 134), which invokes at least one second type component to generate a report element of a second type (pg. 7, lines 12-13; pg. 7, lines 27-29; figure 1A 132AA, 132NN; figure 1B 174). Finally, the first and second generators each invoke at least one component in response to processing first and second type included component sections that respectively identify the at least one first and second type components to be invoked (pg 8, lines 3-6; pg 8, lines 6-8; pg 9, lines 12-15).

According to claim 8 the computer-implemented report generation system further comprises a third generator (pg. 7, lines 9-10; figure 1A 120, 130, 140) operably linked through a third interface to one or more associated third type components (pg 7, lines 11-12; figure 1A 140, 142AAA, 142NNN, 144), which invokes at least one third type component to generate a report element of a third type (pg. 7, lines 13-14; pg. 7, lines 27-29; figure 1A 142AAA, 142NNN; figure 1B 176). According to claim 9 the computer-implemented report generation system has one or more third type elements generating one of text elements (figure 1A 176), graph elements (figure 1A 172), and table elements (figure 1A 174).

According to claim 12, the report generation system implemented on one or more computers comprises a first generator (pg. 7, lines 9-10; figure 1A 120, 130, 140), operably linked through a first interface to one or more associated first type components for invoking at least one first type component to generate a report element of a first type (pg 7, lines 11-13; pg. 7, lines 27-29; figure 1A 120, 122A, 122N, 124; figure 1B 172). The system also has a second generator (pg. 7, lines 9-10; figure 1A 120, 130, 140), operably linked through a second interface to one or more associated second type components for invoking at least one second type component to generate a report element of a second type (pg 7, lines 11-13; pg. 7, lines 27-29; figure 1A 130, 132AA, 132NN, 134; figure 1B 174). Finally, the system has a database having at least one included components record (pg. 8, lines 1-2; figure 1A 150, 152), wherein said first and second generators each invoke at least one component in response to processing a selected one of the at least one included components records and the selected one included components record identifies the at least one first and second type components to be invoked (pg 8, lines 3-6).

According to claim 18 the computer implemented method for generating a report comprises the steps of processing a first type included components section that identifies at least one type component (pg. 9, lines 8-10). The method also has the step of invoking the identified at least one first type component to generate at least one corresponding first type report element (pg. 9, lines 12-15). Further, the method has the step of processing a second type included components section that identifies at least one second type component (pg. 9, lines 8-10). Moreover, the method has the step of invoking the identified at least one second type component to generate at least one corresponding second type report element (pg. 9, lines 12-15). Finally, the method has the step of operably combining said generated first and second type report elements with a report template file that is associated with the first and second included components sections to generate the report (pg 5, lines 22-25; pg 9, lines 15-18).

VI. GROUNDS OF OBJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-21 properly stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,870,746 to Knutson et al (hereinafter “Knutson”) in view of U.S. Patent No. 6,539,371 to Bleizeffer et al (hereinafter “Bleizeffer”).

VII. ARGUMENT

Claims 1-21 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Knutson in view of Bleizeffer. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. Without conceding the second criteria, Appellant asserts that the rejection does not satisfy the first and third criteria.

A. Lack of Motivation

It is well established that when a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Further, it is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

In Appellee states the motivation for the combination of Bleizeffer and Knutson as follows:

“It would have obvious ... to combine the teachings of Knutson with the teachings of Bleizeffer so as to obtain the graph generator generating the desired graphic format report via GUI. The motivation being to allow user [sic] to made [sic] decisions based on the generating [sic] a report.”

Appellant respectfully asserts that the teaching of Bleizeffer and the teaching of Knutson are not combinable without rendering Knutson unsatisfactory for its intended purpose, and that there is no motivation to combine the reference as the graph generator and GUI of Bleizeffer is duplicative with the graph generator and GUI of Knutson.

As stated Knutson describes a system for generating reports on data retrieved from a data warehouse. (*See* Knutson, Abstract). Bleizeffer, on the other hand, is a system to filter a set of SQL query statements to show the resources required by the query statements. (*See*

Bleizeffer, Abstract col. 4, lines 47-66). As a result, the report creator and graph generator create a specific report showing resource requirements and a graphical representation of the access path of the SQL statements to show the relationship between database objects and operations. (Bleizeffer, figure 5; col. 7, lines 6-19). The report creator and graph generator described in Bleizeffer are only used to create very specialized and very specific reports based SQL statement filtering. As the report generator of Knutson generates general purpose business reports from data residing in a data warehouse, and the specialized report creator and graph generator of Bleizeffer are only used to show very specific resource usage of a database systems for SQL statements, the system of Knutson could not be modified with the report creator and graph generator of Bleizeffer without rendering Knutson unsatisfactory for its intended purpose, as Knutson would be unable to fulfill its intended purpose of general business reports using the specialized SQL statement filtering elements found in Bleizeffer.

Further, the Appellee, in describing the teachings of Knutson, states that Knutson teaches graph creation and a GUI. Consequently, the graph generator and GUI of Bleizeffer are duplicative in view of the teachings of Knutson, and thus a combination of Knutson and Bleizeffer is not desirable as such a combination would not provide any benefit to the teaching of Knutson. Moreover, Applicant notes that Knutson allows a user to make decisions, see the Abstract, lines 3-5. Thus, the stated motivation of allowing a user to make decisions also does not require the teachings of Bleizeffer. Consequently, the language of the motivation is merely a statement that the reference can be modified, and does not state any desirability for making the modification. Thus the combination put forth by the Appellee does not satisfy the requirements of *In re Mills*. Therefore, for at least these reasons the rejection of claims 1-21 should be withdrawn.

B. Lack of All Claim Limitations

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1 and claim 12 each require a first generator, operably linked through a first interface to one or more associated first type components...and a second generator, operably linked through a second interface to one or more associated second type components.

Knutson describes a system and method for allowing a user to segment and partition a database based upon attributes associated with the data in the database. (*See* Knutson, Abstract). The system includes a data abstraction intelligence (DAI) subsystem 14, which further includes a report generator 72 capable of generating reports from retrieved data. (Knutson, figure 3; Abstract; col. 15, line 63 through col. 16 line 54). Figures 6-12, cited by the Appellee, show a GUI user interface through which the parameters associated with a report may be entered. Knutson does not describe, and Bleizeffer is not relied upon to show, a first generator operably linked through a first interface to one or more first type components. Knutson does not show smart report generator 72 connected to any components, instead smart report generator merely requests and receives data and parameters. (*See* Knutson, figure 3, and column 16, lines 43-48)

The Appellee admits that Knutson does not explicitly teach a second generator, operably linked through a second interface to one or more associated second type components, which invokes at least one second type component to generate a report element of a second type. The Appellee attempts to cure this deficiency by introducing Bleizeffer, which the Appellee alleges to teach having such an element.

Bleizeffer describes an apparatus for filtering database queries, specifically queries written in SQL. *See* Abstract, and column 2, lines 62 through column 3, line 4. Bleizeffer includes a query visualization module 50 which operates both to provide a report on query access path data, statement cost data, and object statistics, and to provide a graphical representation of the access path of a query statement. (Bleizeffer col. 6, lines 45-64; figure 5). While Bleizeffer is asserted by the Appellee to show a second generator, using report creator 60 and graph generator 62, Bleizeffer also does not show either one or more associated first type components, nor one or more associated second type components. Neither element, report creator 60 or graph generator 62, is connected to any associated component, as is explicitly shown in Figure 3. Each element is connected to user interfaces, as with Knutson, but neither shows any associated components.

As neither Knutson, nor Bleizeffer show a first generator, operably linked through a first interface to one or more associated first type components and a second generator, operably linked through a second interface to one or more associated second type

components in accordance with claims 1 and 12. As stated, each show a single user interface but not a first generator operably connected through a first interface, and a second generator operably connected through a second interface. Thus, the combination of references do not teach all of the claimed limitations. Therefore, the Appellant respectfully asserts that for the above reasons claim 1 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Claims 2-11 and 13-17 depend from independent claim 1 and independent claim 12, respectively, and thus inherit all limitations of claim 1 and claim 12. Each of claims 2-11 and 13-17 set forth features and limitations not recited by Knutson or Bleizeffer. Thus, the Applicants respectfully assert that for the above reasons claims 2-11 and 13-17 are patentable over the 35 U.S.C. § 103 rejection of record.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A reflect the claims as originally filed on August 31, 2001.

IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Appellee is being submitted.

X. RELATED PROCEEDINGS

No related proceedings are referenced in II. above, or copies of decisions in related proceedings are not provided, hence no Appendix is included.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV482708797US in an envelope addressed to: MS Appeal Briefs - Patents, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: June 22, 2005

Typed Name: Elise Perkins

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Respectfully submitted,

By: 

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APPENDIX A

Claims Involved in the Appeal of Application Serial No. 09/945,292

1. A computer-implemented report generation system, comprising:

a first generator, operably linked through a first interface to one or more associated first type components, which invokes at least one first type component to generate a report element of a first type; and

a second generator, operably linked through a second interface to one or more associated second type components, which invokes at least one second type component to generate a report element of a second type;

wherein said first and second generators each invoke at least one component in response to processing first and second type included component sections that respectively identify the at least one first and second type components to be invoked.

2. The system of claim 1 wherein the invoked at least one first and second type components acquire data from a collected data record and generate the report elements based on said acquired data.

3. The system of claim 2 wherein the collected data record is associated with the first and second type included component sections.

4. The system of claim 3 wherein the generated report elements are adapted to be combined with a report template file that is associated with the collected data record.

5. The system of claim 4 wherein the report template file includes at least one of:

at least one constant information section, at least one first type information field and at least one second type information field

wherein the at least one first type and at least one second type information fields receive the generated at least one first and second type report elements.

6. The system of claim 1 wherein the one or more first type components generate one of graph elements, text elements, and table elements.

7. The system of claim 1 wherein the one or more second type components generate one of text elements, graph elements, and table elements.

8. The system of claim 1 further comprising a third generator operably linked through a third interface to one or more associated third type components, which invokes at least one third type component to generate a report element of a third type.

9. The system of claim 8 wherein the one or more third type elements generate one of:
text elements;
graph elements; and
table elements.

10. A system of claim 1 wherein the system is implemented by a memory storage device having executable instructions.

11. The system of claim 1 wherein the first and second included component sections are contained in a common included components record.

12. A report generation system implemented on one or more computers, comprising:
a first generator, operably linked through a first interface to one or more associated first type components for invoking at least one first type component to generate a report element of a first type;

a second generator, operably linked through a second interface to one or more associated second type components for invoking at least one second type component to generate a report element of a second type; and

a database having at least one included components record, wherein said first and second generators each invoke at least one component in response to processing a selected one of the at least one included components records and the selected one included components record identifies the at least one first and second type components to be invoked.

13. The system of claim 12 wherein the invoked at least one first and second type components generate their respective report element from data acquired from a collected data record that is associated with the selected one included components record.

14. The system of claim 13 wherein the generated report elements are adapted to be combined with a report template file that is associated with both the collected data record and selected one included components record.

15. The system of claim 14 wherein the report template file includes at least one of:

at least one constant information section, at least one first type information field, and at least one second type information field, wherein at least one first type and at least one second type information field receive the generated at least one first and second type report elements.

16. The system of claim 12 wherein the one or more first type component generates a graph element, and the one or more second type component generates a text element.

17. The system of claim 12 further comprising a variable definitions database for providing first and second type element information to the first and second type components.

18. A computer implemented method for generating a report, comprising:

processing a first type included components section that identifies at least one type component;

invoking the identified at least one first type component to generate at least one corresponding first type report element;

processing a second type included components section that identifies at least one second type component;

invoking the identified at least one second type component to generate at least one corresponding second type report element; and

operably combining said generated first and second type report elements with a report template file that is associated with the first and second included components sections to generate the report.

19. The method of claim 18 wherein the act of operably combining includes:

processing the report template file with a word processing program that retrieves the generated first and second type report elements.

20. The method of claim 18 wherein the first and second type included components sections are part of a common included components record.

21. The method of claim 18 further comprising the act of:

acquiring data from a collected data record that is associated with the report template file, wherein the generated report is based on the acquired data.